



ANTONIO R. VILLARAIGOSA
MAYOR

November 12, 2008

Chairman Kevin Martin and
Members of the Board of Commissioners
Federal Communications Commission
445 - 12th Street SW
Washington, D.C. 20554

Dear Chairman Martin and Members of the Board of Commissioners:

On behalf of the City of Los Angeles, I am submitting reply comments to the Third Notice of Proposed Rulemaking for the D-Block spectrum.

The City recommends that the FCC:

- Clarify the definition of eligible users such that the City of Los Angeles retains the greatest possible discretion in determining users of the network;
- Adopt a regional approach to licenses and engage experts to determine the best technology platform with the primary goal of meeting public safety needs rather than focusing on the shared commercial use of the spectrum; and
- Include the possibility of a direct allocation of the D-Block spectrum to communities that agree to build out a system consistent with national interoperable standards that meet or exceed the FCC's specified timeframes for coverage service levels.

Very truly yours,

ANTONIO R. VILLARAIGOSA
Mayor

ARV:jbc



RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, in August of 2007 the Federal Communications Commission (FCC) unveiled a proposal to create a public-private partnership to redeploy some of the spectrum returned to the government as a result of the Digital Television (DTV) conversion. The FCC's idea was that in exchange for a winning bid payment and a commitment to build out a shared network to support to create a nationwide, interoperable broadband public safety network, the commercial partner would receive the right to use the commercial and the public safety portion of the spectrum block when not in use by public safety. These plans came to a halt, however, when no bidder met the threshold price established by the FCC for the D-Block; and

WHEREAS, since the failed auction, Congress and the FCC have issued a series of proposals to achieve the goal of the shared network. The City has until November 12, 2008 to protect its interests to dedicate an irreplaceable block of spectrum dedicated for public safety purposes as outlined in the third such proposal. If the FCC issues an order that is unfavorable to the City's interests, the City may be forced to purchase such services at market rates in the future; and

WHEREAS, the Los Angeles Information Technology Agency (ITA) in conjunction with Miller Van Eaton, the City's contract law firm for FCC and related issues, has reviewed the Third Notice of Proposed Rulemaking and recommends filing comments before the November 12, 2008 deadline. Specifically, they recommend that the FCC:

- Clarify the definition of eligible users such that the City of Los Angeles retains the greatest possible discretion in determining users of the network;
- Adopt a regional approach to licenses and engage experts to determine the best technology platform with the primary goal of meeting public safety needs rather than focusing on the shared commercial of the spectrum; and
- Include the possibility of a direct allocation of the D-Block spectrum to communities that agree to build out a system consistent with national interoperable standards that meet or exceed the FCC's specified timeframes for coverage service levels.

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its Federal Legislative Program a position to request and urge the Federal Communications Commission to include the above-listed three points as part of its Third Notice of Proposed Rulemaking relative to the D-Block Spectrum; and

BE IT FURTHER RESOLVED that the Los Angeles Information Technology Agency be authorized to file comments consistent with the above described City position, with assistance from the Office of the City Attorney and Miller Van Eaton, to the Federal Communications Commission (FCC).

Reso findings
ADOPTED

NOV 05 2008

PRESENTED BY:

Tony Cardenas
TONY CARDENAS
Councilman, 6th District

LOS ANGELES CITY COUNCIL
TO THE MAYOR FORTHWITH

CONCURRED BY:

E.C.

November 5, 2008